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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HOFFMAN, BRANDON S

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

07/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/040,603	Applicant(s) BHAKTA, RAKESH	
	Examiner BRANDON S. HOFFMAN	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 27-35 are pending in this office action, claims 33-35 are newly added.
2. Applicant's arguments, filed April 22, 2008, have been considered and are persuasive, however a new ground of rejection is made.

Claim Rejections

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradford et al. (U.S. Patent No. 6,612,928) in view of Modl et al. (U.S. Patent No. 7,286,691).

Regarding claims 27 and 30, Bradford teaches a gaming device/method comprising:

- A gaming terminal, configured for playing at least a first game (fig. 16, col. 10, lines 21-22, and col. 33, lines 51-65);
- A data storage device for carrying by a game player (col. 32, lines 28-32);

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- A reader for receiving data from said data storage device carried by a game player (fig. 1, ref. num 104, col. 10 lines 36-40, and col. 32, lines 26-32);
- A button for pressing by a game player as a part of said game (fig. 16, ref. num 1604, col. 10, line 29, and col. 33, lines 51-65);
- A biometric device for measuring biometric data of the game player by sensing said biometric data directly through said button as it is pressed by the game player (fig. 16, ref. num 1606/1608/1626, col. 33, lines 27-29, and col. 34, lines 21-29);
- Said terminal carrying a comparator for comparing the parameters of the game player's biometric data sensed through the button with parameters obtained from biometric data received from said data storage device carried by the game player, for player identification (col. 32, lines 26-32 and col. 35, lines 4-13).

Bradford does not teach said data storage device containing biometric data of the game player or said terminal comparing the sensed biometric data with biometric data directly obtained from data storage device carried by the game player, without involving a remote access database in the comparison, for player identification.

Modl et al. teaches said data storage device containing biometric data of the game player (col. 3, lines 22-25); and said terminal comparing the sensed biometric data with biometric data directly obtained from data storage device carried by the game

player, without involving a remote access database in the comparison, for player identification (col. 3, lines 26-63 and col. 4, lines 1-16).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine storing biometrics on a smart card and comparing the stored biometrics of the smart card with sensed biometrics, as taught by Modl et al., with the device/method of Bradford. It would have been obvious for such modifications because comparing supplied biometrics with stored biometrics on a portable storage device ensures the authorized user is who they say they are.

Regarding claims 28 and 31, Bradford as modified by Modl et al. teaches in which the data storage device is a smart card, comprising a microprocessor (see col. 2, lines 14-16 and fig. 1, ref. num 1A of Modl et al.).

Regarding claims 29 and 32, Bradford as modified by Modl et al. teaches in which the biometric data is the game player's fingerprint (see col. 32, lines 42-46 of Bradford).

Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradford et al. (U.S. Patent No. 6,612,928) in view of Modl et al. (U.S. Patent No. 6,629,591), and further in view of Cumbers (U.S. Patent No. 6,554,705).

Regarding claim 33, Bradford as modified by Modl et al. teaches all the limitations of claim 30, above. However, Bradford as modified by Modl et al. does not teach including the step of storing the measured biometric data of the game player in the event that the players biometric data sensed through the button does not match the biometric data parameters directly obtained from the data storage device carried by the game player.

Cumbers teaches including the step of storing the measured biometric data of the game player in the event that the players biometric data sensed through the button does not match the biometric data parameters directly obtained from the data storage device carried by the game player (fig. 4, the stored biometrics are compared and if known as an intruder, authorities are alerted).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine storing the sensed biometrics if the comparison does not match, as taught by Cumbers, with the method of Bradford/Modl et al. It would have been obvious for such modifications because the stored biometric can be later used to catch a potential thief.

Regarding claim 34, Bradford as modified by Modl et al./Cumbers teaches including the step of not storing the biometric data of the game player if the game players biometric data sensed through the button matches the biometric data

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parameters directly obtained from the data storage device (see fig. 4, the stored biometrics are compared and if no known intrusions or illegal activity, the information is deleted from the file, ref. num 130 of Cumbers).

Regarding claim 35, Bradford as modified by Modl et al./Cumbers teaches all the limitations of claims 30, 33, and 34, above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON S. HOFFMAN whose telephone number is (571)272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon S Hoffman/
Primary Examiner, Art Unit 2136